1: Honigmann K-5 (1943-1945) 1949 ND12 Nahane ND12

Adultery probably occurs more frequently than is known, but the offense is generally kept 68
within the family and from police knowledge. Incest may also occur more commonly than is [136]
suspected. This is implied in the statements of Old Kate, blaming several cases of physical
debility on the fact that people are too "mixed up." Within the Indian community,
drunkenness is severely considered as criminal and is regarded as good "fun" so long as it
does not lead to violence. Lying is disliked but is not strongly resented. Braggarts, who
overindulge in "bullshit," are severely criticized and ridiculed.

Many property offenses are condoned with the realization that the owner must be 685
careful not to give the impression of selfishness. A few individuals are widely known for 183
their tendency to steal and such people receive careful watching. Indian caches and those of
white trappers remain free from violation except in case of hunger, and even then will only
be approached by the rare person with a pronounced predilection for stealing. Government
supplies along the Alaska Highway were rarely disturbed by Indians, who had abundant
opportunity to observe instances of disrespect for such property by their white neighbors.
The incentive of very low infringement is sometimes voiced, especially with regard to
beaver trapping. Some white men are almost paranoiac in their suspicion that Indians are
poaching on their lines, but most white trappers regard such intense insecurity as an un-
warranted quirk of thinking. Several years ago Edward Prince was arrested and fined for
hunting beaver on a white man's territory. It is not unusual for a number of youths to plan
the stealing of a horse that is ready for drinking. No moral hesitation and little secrecy is
apparent in such behavior, as anyone would agree who has seen a tract of bush alive with
people hunting for a separated horse bag. The finders try to finish as much of the beverage as
possible before they in turn are discovered. Young children often show a predilection for
stealing small gaudy trifles, like toys, but are severely punished if discovered by parents. In
the case of property offenses by adults, discovery generally leads to recriminations, a demand
for the return of the stolen goods, or suppressed hostility. Offenses connected with the
establishment of credit obligations to traders are rare. Such defaults would quickly result in
the blacking of further credit and few persons could sustain this penalty. Between in-
dividuals, failure to repay loans may lead to recrimination and hostility.

Such most crimes and misdemeanors are discovered in Lower Post, which is in British 692
Columbia, justice is largely administered by provincial officials. Punishable offenses dis- 694
covered by the police do not generally lead to an open statement of arrest nor is the indi-
vidual given his liberty under bail, since to announce arrest leads to the danger that the
offender will remove himself from the community. Within three or four days following the
offense, word circulates through the town that the magistrate will hold court in the shop-
room. The policeman then informs those Indians, who have been "under arrest," that their
trial is due that day.

According to provincial law all offenses, other than major crimes, regardless of the plea 693
of the defendant, may be tried by a civil magistrate without a jury. For some years cases 692
have been tried by elderly white prospectors, but in 1949 the police constable from Fort
Nelson arrived since few to Lower Post to act as magistrate. All hearings are conducted in
English. Court is held in the Hudson's Bay Company's bookhouse which is normally re-
served for white trappers. A few boxes serve as seats for visitors, while the arresting

1: Honigmann E-5 (1943-1945) 1949 ND12 Nahane ND12

provincial or Mounted Policeman acts as prosecutor and witness. In no case observed was an accused Indian put under oath when he appeared before the court. The following examples of trials, abstracted from field notes, illustrate judicial process in Lower Post.

7/11/45. When Louis was called before the bar, he leaned forward comfortably on the table behind which the magistrate was seated. The latter told the accused to stand up. Louis obeyed but in a moment again leaned forward listening to the charge being read. Again the magistrate had to command the accused to stand erectly. Louis pleaded guilty to having been intoxicated and was fined fifteen dollars and costs. The arresting constable then reminded the magistrate of an additional penalty obtaining if the accused, an Indian, refused to divulge the source of the liquor. This section of the statutes was read to Louis, who was then asked where he had obtained the beverage. Louis affirmed that he had found it in the bush. Sarcastic questions expressing the magistrate's disbelief of this reply could not shake Louis from his story. The constable then spoke up, saying that the accused was probably telling the truth and that there was no reason to doubt his word. Further sentence was thereupon suspended.

8/7/45. Three Indians and one white man were arraigned on charges of intoxication. Peter Long was called first. This was his second offense under the liquor statutes. After the charge had been read he was asked how he pleaded. When Peter failed to understand the question, he was asked directly whether or not he had been drinking liquor on the night in question. Peter denied drinking liquor, adding that he had drunk only a bottle of beer. Manifestly annoyed, the magistrate tried to explain that beer and liquor were both alcoholic beverages and therefore denied to Indians. "You evidently think you're allowed to drink beer but not whiskey." Peter again denied drinking whiskey. The magistrate insisted that if Peter admitted drinking beer he had also been drinking liquor. Misunderstanding, Peter tried to maintain his innocence from the charge by interjecting the common term for an untruth—"bullshit." The magistrate at once sharply reprimanded the Indian, saying: "Don't you dare use language like that in court." Peter did not grasp the rebuke and answered: "That's what I say, that bullshit." The magistrate looked hopeless but let the word pass. He did, however, appeal for an interpreter who could speak the language of the accused. None was forthcoming. It was finally established that Peter Long realized his offense. His plea was recorded and he was fined sixty dollars and costs, with the alternative of two months in jail. He accepted the fine and was then asked where he had secured the beer. Refusal to answer, he was warned, could lead to an additional fine. Peter said he had found the beverage in the bush. This irritated the magistrate, who was apparently inclined not to believe the answer, although he finally accepted it. Peter was warned that a third offense would certainly earn him imprisonment with hard labor.

The second defendant was Nick Long who pleaded not guilty to the charge of intoxication. Two witnesses testified under oath to having seen Nick manifest signs of intoxication. The first witness was the Mounted Policeman, who had accompanied the provincial official on the night of the arrest, while the second was the local constable himself. Both affirmed having seen the defendant walking "unsteadily" and "staggering." Nick declined the opportunity to question the witnesses, but said he had been getting water with a lame foot when he had encountered the police. The magistrate found him guilty and imposed fine of fifteen dollars and costs, with the alternative of spending a month in jail. Nick chose the fine. Under further questioning he too insisted that he had found the liquor in the bush. This explanation angered the magistrate, who warned that he would be very severe if he ever returned to Lower Post and again heard that story.

The third defendant was a young Bear Lake (Sekani) Indian man, who was temporarily